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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,046	02/02/2004	Yueh Wen Hsiang	MR1957-844	6159
4586	7590	10/12/2005	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLIOTT CITY, MD 21043			CAI, WAYNE HUU	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/768,046	HSIANG, YUEH WEN	
Examiner	Art Unit		
Wayne Cai	2681		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02 February 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-7 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 02 February 2004 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ .

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a) because **none of the listed reference numbers in the drawings are matched as described in the specification.** Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief

description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. In the specification, on page 4, line 14, the Applicants refer to Figure 4, but it could not be found in the submitted set of drawings.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Sato et al. (US – 6,821,016 B2).

Regarding claim 1, Sato discloses a mobile storage apparatus with temperature detecting function, comprising:

- a detecting element for sensing the temperature of the environment (col. 8, lines 45-59; fig. 1, element 2);
- a transforming circuit connected to the temperature detecting element for transforming the analog temperature values into digital data (col. 7, lines 57-67; fig. 1, element 5);
- a measuring element for detecting a body temperature of a user (col. 8, lines 45-59; fig. 1, element 3);
- a control circuit connected to the measuring element for transforming the body temperature obtained from the measuring element into digital data (col. 7, lines 57-67; fig. 1, element 5);
- a mobile storage device connected to the transforming circuit, the control circuit and a display module, wherein a digital signal processor is set inside the mobile storage device (fig. 1, and its descriptions) and the digital data obtained from the transforming circuit and the control circuit are transferred by the digital signal processor and displayed by the display module (fig. 1, elements 5, 6, and 9; and its descriptions).

Regarding claim 4, Sato discloses the mobile storage apparatus with temperature detecting function as in claim 1. Sato also discloses wherein the measuring element is an infrared ray detecting element or a heat sensing resistance (fig. 1, element 1, and its descriptions).

Regarding claim 5, Sato discloses the mobile storage apparatus with temperature detecting function as in claim 1. Sato also discloses wherein the detecting element and the measuring element are set on the mobile storage apparatus (figs. 1 & 2; and its descriptions).

Regarding claim 6, Sato discloses the mobile storage apparatus with temperature detecting function as in claim 1. Sato also discloses the transforming circuit and the control circuit are set inside the mobile storage apparatus (figs. 1 & 2; and its descriptions).

Regarding claim 7, Sato discloses the mobile storage apparatus with temperature detecting function as in claim 6. Sato discloses wherein the transforming circuit and the control circuit are integrated into a single chip (figs. 1 & 2; and its descriptions).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Leapman (US 2002/0105861 A1).

Regarding claim 2, Sato discloses the mobile storage apparatus with temperature detecting function as in claim 1, except for disclosing wherein the mobile storage device is an MP3 product.

In a similar endeavor, Leapman discloses a standalone MP3 recording station. Leapman also discloses the mobile storage device is an MP3 product (abstract, paragraph 0013).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the device as an MP3 product because it is one of the devices widely use nowadays.

Regarding claim 3, Sato discloses the mobile storage apparatus with temperature detecting function as in claim 1, except for disclosing wherein the mobile storage device is an MP3 product with a wireless transferring function.

In a similar endeavor, Leapman discloses a standalone MP3 recording station. Leapman also discloses wherein the mobile storage device is an MP3 product with a wireless transferring function (paragraph 0016).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the wireless transferring function since it is more convenient for user to transfer information wirelessly.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Cai whose telephone number is (571) 272-7798. The examiner can normally be reached on Monday-Friday; 9:00-6:00; alternating Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Wayne Cai
Examiner
Art Unit 2681


ERIKA A. GARY
PRIMARY EXAMINER